THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26668 of 2006

Dated:22.12.2006

Between
The Gram Panchayat, Yedurlanka
I.Polavaram Mandal, East godavari
District rep., by its Sarpanch.

.....Petitioners

and

1.The Superintendent Engineer,
Irrigation Circle, Dowleswaram,
East Godavari District and others.

…Respondents

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W.P.No.26668 of 2006

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of respondents 1 to 3 in not taking action against the representation submitted by the petitioner-Gram Panchayat for removal of constructions made by the 4th respondent on the P.W.D Guttinadeevi canal bund in the limits of Yedurulanka and Patha Injaram beside Ganesh Nagar Bridge as arbitrary and illegal.

It appears that the petitioner is a Gram Panchayat represented by its Sarpanch. Yedurulanka Village is situated in the island Polavaram Mandal, East Godavari District. Since the entire Mandal is surrounded by water on three sides, it was called as an island. Their village is on the edges of Bay of Bengal and the river Godavari

joins sea after their Village. There is a vacant site between the Godavari Bund and the irrigation canal in the village limits of their Gram Panchayat. The said land is to be protected from encroachments and constructions for the reason that if any construction is made, the Godavari floodwater will enter into their village and cause damages to the houses and the properties of their villagers. Therefore, it is the duty of the Irrigation Department officials to protect flood banks and river bunds from encroachments and constructions. While so, the 4th respondent has started permanent construction with cement polls on the PWD Guttinadeevi canal bund in the limits of Yedurulanka and Patha Injaram beside Ganesh Nagar Bridge. The said fact was brought to the notice of the Gram Panchayat by the village ryots complaining that the construction undertaken by the 4th respondent would block the free flow of canal water and there will be a danger to the crops and the village and requested to take steps to remove the said construction. The Gram Panchayat issued notice to the 4th respondent

asking him to stop the permanent construction immediately. The 4th respondent refused to receive the notice and the same was returned with an endorsement that the addressee refused to receive. Hence, the writ petition.

In view of the above, without expressing any opinion on merits, the 1st respondent is directed to dispose of the representation purported to have been filed by the petitioner on 18.9.2006, within a period of four weeks from the date of receipt of a copy of this order, by conducting spot inspection and hearing all the villagers in this regard.

Writ petition is disposed of accordingly. No costs.

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22-12-2006

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